

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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10/13/2006	/Pamela Gerik/
Date	Pamela Gerik

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF MAILED**  
**SEPTEMBER 14, 2006**

Dear Sir/Madam:

This paper is submitted in response to the Notice of Non-Compliant Appeal Brief Mailed September 14, 2006. The brief was cited as non-compliant for failing to contain the proper explanation of the subject matter as defined in each of the independent claims involved in the appeal. In accordance with MPEP 1205.03, included herewith (beginning on page 2 of this paper) is a corrected summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v).

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Appellant's claimed subject matter includes a Multi-Analyte Profile (MAP) Test Panel that includes 75 or more subsets of microspheres. (Specification -- page 3, lines 27-28). The microspheres of one subset are distinguishable from those of another subset by their characteristic fluorescence signatures. (Specification -- page 3, line 29-30). The microspheres of the one subset are coupled to at least one reagent designed to interact selectively with a predetermined analyte. (Specification -- page 3, lines 25-27).

Appellant's claimed subject matter also includes a kit for assaying 75 or more predetermined analytes in a single pass through a flow analyzer comprising a Multi-Analyte Profile (MAP) Test Panel that includes 75 or more subsets of microspheres. (Specification -- page 3, lines 27-28 and page 4, lines 8-10). The microspheres of one subset are distinguishable from those of another subset by their characteristic fluorescence signatures. (Specification -- page 3, line 29-30). The microspheres of the one subset are coupled to at least one reagent designed to interact selectively with a predetermined analyte. (Specification -- page 3, lines 25-27). The kit also includes vials, supplemental reagents, or any combination thereof. (Specification -- page 21, lines 1-2).

### **CONCLUSION**

The present response is believed to be a complete response to the issues raised in the Notice of Non-Compliant Appeal Brief Mailed September 14, 2006. If the Examiner has any questions, comments or suggestions, the undersigned earnestly requests a telephone conference.

Commissioner is authorized to charge any fees which may be required or credit any overpayment to Daffer McDaniel, LLP Deposit Account No. 50-3268.

Respectfully submitted,  
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Date: October 13, 2006